

## **ZONING BOARD OF APPEALS**

### **MARCH 17, 2014 MEETING MINUTES**

**PRESENT:** Chairperson Ron Nolland, Scott DeMane Michelle LaBounty,  
Connie Fisher, Karl Weiss, (Alt.)

**ABSENT:** Maurica Gilbert, Kathy Latinville (Alt.)

**ALSO PRESENT:** Joseph McMahon, Building Inspector

Appeal #1997 Mary Pray  
Lowell Cote

Mr. Nolland called the meeting to order at 7:01 PM. He advised this is a 5 person board, which consists of 5 regular members and 2 alternate members. For each application, 3 positive votes are needed to carry any motion.

The below item was on tonight's agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
1997	MARY PRAY 4914 SOUTH CATHERINE STREET	CLASS B VARIANCE AREA VARIANCE, BUILDING EXPANSION WOULD BE WITHIN REQUIRED FRONT YARD SETBACK

Mr. McMahon clarified this was for a "side yard setback," not front yard setback.

The **first** item heard was Appeal #1997, Mary Pray for a Class B Area Variance for a building expansion within the required side yard setback.

[Meter 1:21]

Mr. Nolland explained the variance process to Ms. Pray. A variance is a request to vary from the law. Based on the new plan, she is requesting a 6' x 25' addition to the existing porch and house. Ms. Pray thought it was 24'. She wants to make it flat along the front of the house.

What the drawings shows if you came out 6', she would have 6'2" to the property line on one point and 10.5" on the other side. She is asking for the variance because the average of this rounded would be 8', which is 2' more, which would be 10.

A Short Form SEQR was submitted with this application. The State has now required the Board be more diligent about the SEQR's. They will go through it and ask questions.

Mr. Nolland stated this was a 10 x 12' addition but in fact it's a 6 x 24' addition. There were no previous appeals and Ms. Pray has owned this property for 2 years.

The Area or Dimensional Variances were read into the record. [Meter 5:17] No. 3 (3) should be 48 s.f., not 144 sq. feet. Mr. Nolland also mentioned #5 – it is in a sense self-created because she bought the house knowing how it was laid out. He explained further.

Ms. Pray explained she is requesting the addition because the 1<sup>st</sup> level does not have a ½ bath on this level. With her knee issues it gets difficult to go up and downstairs to the bathroom. The kitchen is very small. From wall to wall, it's only 8 x 16'. There is not a lot for storage space. No downstairs closets either. This would be a chance to have a good entrance and a ½ bath downstairs. It's an issue of firming up the house, having more storage and being more energy efficient.

[Meter 8:33]

Mr. Nolland spoke about question #2 on the Area & Dimensional Variances sheet. If she would expand 4' instead of 6', she wouldn't need a variance. Ms. Pray did acknowledge this. He asked if this would work for her and asked about if her porch was a 3 season porch. Ms. Pray stated it's finished inside but didn't know how insulated it was. She wants to tear down the wall and make one big room. There is electric heat in the porch area but she does not leave the heat on to an extent where you could be comfortable in this room.

Mr. DeMane stated a heated porch is not a 3-season porch. Ms. Pray stated she wants to make it a real part of the house.

Mr. Nolland mentioned the roof deck. One problem in closer-living neighborhoods – is the second floor deck which needs to be discussed.

Mr. Weiss questioned the 6' corner. Ms. Pray explained she was coming straight off the back. Mr. Weiss thought she might come out closer to the property line. [Meter 11:54]

Mr. Weiss asked if she had a lay out of a floor plan for this new addition and storage. Ms. Pray stated she wants a foyer with a ½ bath and then the 2 additional rooms. The house was built in 1933 and is very limited in storage and kitchen cabinets. Due to the garage not being heated, it's not used for storage.

[Discussion about storage, going down to 4' and what she'll gain and/or lose on just going 4'.]

[Meter 14:07 – A letter was read into the record from Lowell Cote, 4916 South Catherine Street, attached hereto and made a part hereof.]

Ms. Pray added she understands where Mr. Cote is coming from but to live in the home comfortably, she is trying to work with this house and didn't think 6 more feet would make it visibly that much different.

#### SHORT FORM SEQR:

Mrs. LaBounty questioned #5 on Page 2.

5a should be changed to "no."

Mr. DeMane thought it was a permitted use. Mr. McMahon thought it was the "proposed action" in compliance even though it says the word "use." The action in this case is the addition.

Ms. Fisher mentioned #9. This was answered correctly.

Mr. Weiss questioned surrounding property lines. Mr. McMahon thought they were fairly comfortable in the amount of space in between homes. Ms. Pray added there were other homes surrounding hers that were close to the property lines and sidewalks. His concerns were for the character of the neighborhood.

Mr. DeMane questioned #14 on Page 2.

#14 was check to urban.

[Meter 22:00]

Part 2 of the SEQR was then discussed.

#### **MOTION:**

***By Mrs. Labounty, seconded by Mr. DeMane***

**THE BOARD FINDS THERE ARE NO MATERIAL IMPACTS REGARDING PART 2  
OF THE SHORT FORM SEQR**

**ALL IN FAVOR: 5**

Mr. Nolland then discussed the size of the addition. Ms. Pray will recapture a room that she doesn't really use, probably tear the roof off and walls down, put a small foundation on it and then create one big room. Ms. Pray agreed.

Mr. Nolland asked about the roof deck. Ms. Pray thought probably this was meant for a roof deck at one time but she has no desire to do this.

Mrs. Labounty questioned the survey submitted. Mr. Cote stated he has the original abstract. Ms. Pray stated she paid for a professional surveyor to see where her property boundaries were.

**PUBLIC HEARING:**

Mr. Cote spoke stating he owns the house next door, 4916 South Catherine St. He knows the history of the property. Mr. Cote's father purchased 4916 South Catherine in 1957. That home was finished in 1958. He believed it was the last house of the 4 houses that border South Catherine Street. Ms. Pray's house was built long before. He explained the previous owners and how did a driveway get built 2' on the property that had the original abstract. He thought 38-40 years ago, there was a porch on the North side with pillars all the way around it, with a railing all around the top deck. About 30 year, Catholic Charities bought 4914 and put a ramp off the back of the property. His family maintained all the green space over to 4919 as a courtesy.

Mr. Cote has a cordial relationship with Ms. Pray. He passed out pictures. [Meter 31:00 - Further discussion about 4914 South Catherine, the survey, built an 8x10 shed for additional storage space].

Mr. Cote stated he does not live at 4916 South Catherine but it is handicap accessible. He doesn't know if he will ever live there but if he does he doesn't want a house on top of his property. He may have trouble selling his property if this variance is granted. He mentioned the French Quarter portion of the City. He has concerns about the above and is worried about the flat roof and drainage if this addition is approved.

Mr. Nolland reminded Mr. Cote that property owners cannot discharge water onto someone else's property. A pitched roof was mentioned. Pictures were discussed. Mr. Cote noticed the pin is 2' off the Monty Street sidewalk but right on the South Catherine St. sidewalk. In this case, it brings it 2' into his driveway. He did not know how his father got away with putting a driveway 2' onto the neighbor's property when all other properties were already there. Mr. Nolland did not know. Dan Elder did the survey map.

[Meter 37:44 – Discussion about the survey, driveway onto other property for at least 50 years, mapping information, pins, deeds, property line, encroachment of driveway].

Ms. Pray stated just because there were errors made before she bought the land, and she is trying to set the record straight, why should she have to suffer for this. She understands the permit process but is still on her property and wants to enjoy her house. She didn't buy the house expecting that she could never do anything with it. What is 2 more feet and will it make that much of a difference. She really didn't see what difference what the church across the street sees. The addition is beautifully done. It's very well done. She's been improving the property ever since she has walked in the door. She takes great pride in her house. She is 55 with a bad knee and really does not want to be running up and down stairs for this reason and really don't think she's asking for too much. She is not making a big recreation room on that side. It's a quiet addition with a library and will not infringe on anybody. It will look like the house. The lines of the house will be maintained. It will be the same siding like the house.

Mr. Cote commented further. [Meter 43:00]

Mrs. Labounty was having a difficult time figuring out exactly where the property line was. This was not Ms. Pray's fault. She thought with the 6' it would feel like it's right on the driveway. She is also concerned safety of her house. Ms. Pray asked for clarification. Mrs. Labounty said people do drive into houses. Ms. Pray does have the right to have a 4' addition without a variance.

Mr. Weiss had a concern about the property line because of the length of time that the driveway existed over the property line and there was no written agreement allowing this to happen. [Meter 46:39] He doesn't want to give a variance what they think is 6' or 8' when it's actually less or could be more.

Mr. Nolland questioned the portion of the map stating "set 10 spike w/cap." Mr. Weiss explained the way his firm does it - if it's supposed to be there, they show a symbol and the symbol refers to a legend. They are not saying the survey map is wrong or questioning her surveyor.

[Meter 47:00 – Discussion on survey map, the "set 10" spike w/cap" on map, concern on where the property line may or may not be, driveway use, concern of 2' variance, more study done on the property line, 2' area too close to driveway, moving it back 2' from the front, building a 12 x 24 room without a variance, acting on best information given to board, jurisdiction of zoning board, options of voting or postponing.]

Ms. Pray requested to wait for another month.

**MOTION:**

***By Mr. DeMane , seconded by Ms. Fisher***

**TO POSTPONE FOR 1 MONTH ON THE BOARDS BEHALF**

**ALL IN FAVOR:            5**

**OPPOSED:            0**

**MOTION PASSED**

**MOTION TO ADJOURN:**

***By Mrs. LaBounty, seconded by All***

**ALL IN FAVOR**

**MOTION PASSED**

Meeting adjourned at 8:01 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System in the Common Council Chambers. This is a true and accurate copy and transcription of the discussion.

Denise Nephew  
Secretary  
Zoning Board of Appeals